

1900-048

Lee Co

Chancery Causes: John Smyth vs. Martha S. Sprinkle &c

Zion

Ch. Debt

T-Property

To the Hon. H. A. W. Skeen, Judge of
the Circuit Court of Lee County:
John Smyth who sues for himself and
such other lien creditors of Martha S.
Sprinkle, H. L. Sprinkle and J. W. Zion,
as shall come in, take part in and share
the costs of this suit, complaining, sheweth
unto the Court, that at the November term
1899, of the Circuit Court of said County of Lee,
he recovered a judgment against the said
Martha S. Sprinkle, H. L. Sprinkle and
J. W. Zion, for the sum of \$200⁰⁰ with
interest from the day of 189
and \$ costs, a copy of which is herewith
filed marked "A", and prayed to be read
as a part of this bill; that no part of
said judgment hath ever been paid;
that said judgment was duly docketed on
the day of November 1899, in the clerk's
office of the County Court of Lee County;
that there are other judgment against said
defendants, but your orator is not apprised
as to the amount thereof, or the parties in whose
favor the same were rendered.

The said J. W. Zion is seized and ~~possessed~~
possessed in his own right of the following
tract of land, to wit: One tract of land, east of
the town of Pennington Gap in said County and
near the North Fork of Powell's river, containing
about 20 acres, and joining the Lands of L. M.
Zion, J. T. P. Kelley, and of the Pennington Gap
improvement Company, ^{and William Pennington, deceased} but the exact metes

1 and bounds of which are not known to your
2 orator, as the deed to said land is not on record
3 in office of the county court-clerk.

4 The said Martha S. Sprinkle, also, is seized
5 and possessed in her own right of certain
6 lands in said County of Lee, which said
7 lands she owned at the time your orator's debt-
8 was contracted, and which lands she still owns.

9 to-wit, Lots Nos. in block no. in plat
10 no. one, as shown on the map of Pennington Gap
11 Improvement-Company's land, in the town of
12 Pennington Gap, and one tract on Poor Valley
13 Ridge, north of the said town of Pennington
14 Gap, and joining the lands of John Burke
15 Joseph Lawson, Pennington Gap Improvement-
16 Company, and S. M. L. Slemph, and known as
17 a part of the John J. Pennington Lands.

18 Your orator further avers and charges that
19 ~~personal property~~ and the rents and profits
20 of the ^{said} real estate in five years will not
21 satisfy the judgments which are liens upon
22 the same, and that he is therefore entitled
23 to have the said lands sold to satisfy his
24 own and other liens thereon.

25 In consideration whereof, he prays that
26 the said Martha S. Sprinkle, H. L. Sprinkle, and
27 J. M. Zion be made defendants to this bill,
28 and required to answer the same ~~on oath~~
29 but not on oath, that being waived; that
30 proper process issue; that all proper orders
31 and accounts be directed and taken; that
32 the lien creditors of the said Martha S.

1 Sprinkle, H. L. Sprinkle and J. M. Zion be
2 convened before either a master or a special
3 commissioner in chancery of this court; that
4 the lien debts of the said Martha S. Sprinkle
5 H. L. Sprinkle and J. M. Zion be ascertained
6 and the amounts thereof and their order
7 of priority of lien be established; that if
8 it appears that the rents and profits of the
9 said lands will not in five years pay the
10 judgments, which are liens upon the same,
11 that said lands or so much thereof as will
12 suffice to satisfy the liens thereon, and the
13 costs of suit and sale, be sold, and the
14 proceeds thereof be applied to the payment
15 of the said costs and liens; that if such rents
16 will ^{so} suffice, the said lands be rented out;
17 and the rents and profits thereof be applied
18 to the said liens until they are fully satisfied;
19 and that all such other, further and general
20 relief may be given as in the premises is
21 just and right. And your orator will
22 ever pray, etc.

J. C. Noel p. q.

John Smyth
vs. Bill In Chan.
Martha S. Sprunkled

1900. 1st February Rules
Bill filed & pa executed
T.D. M
" 2nd. February Rules
D.N. Confirmed and
Cause set for hearing

The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, That you summon *Martha S Sprinkle, H.L.*
Sprinkle and J. M. Gion

to appear at the Clerk's office of the Circuit Court of the County of Lee, at the rules to be held
for the said court, on the *1st* Monday in *February 1900* ~~189~~, to answer a
bill in chancery exhibited against *them* in our said court by *John*
Smyth

And have then there this writ. Witness, A. B. MUNSEY, Clerk of our said Court, at the
court-house, the *17th* day of *January 1900* ~~189~~, and in the *124th* year of the
Commonwealth.

A. B. Munsey Clerk

Jan 28

Form No. 800 1/2.

John Smyth

vs.

SUBPOENA
IN CHANCERY

Martha S Sprinkle et als

J. L. Noel p. q.

To 1st Levy Rules.

1900. Circuit Court.

executed the 26 day of January 1900, as to the said Martha S. Sprinkle by delivering an attested copy of the within writ to her, and as to the said H. L. Sprinkle by delivering an attested copy of said writ to his wife, and giving to her information as to its purport; she being a member of his family above the age of sixteen years found at his usual place of abode, and the said H. L. Sprinkle not being so found at his said usual place of abode. And further executed as to J. M. Jones by leaving posted at the front door of his residence, neither the said J. M. Jones or his wife, or any other person who is a member of his family above the age of sixteen years, being found at his said usual place of abode. This the 2 day of Feb 1900.

J. P. Ely J. S. for W. J. Miloro
S. L. L.